

01/11/2012



Fw: FYI on BP and Rico

Amelia Piggott to: Carol Pokorny, Daniela Golden

01/11/2012 07:55 AM

From: Amelia Piggott/R8/USEPA/US

To: Carol Pokorny/R8/USEPA/US@EPA, Daniela Golden/R8/USEPA/US@EPA

FYI

Amelia Piggott
Enforcement Attorney
U.S. Environmental Protection Agency
Region 8
303.312.6410

----- Forwarded by Amelia Piggott/R8/USEPA/US on 01/11/2012 07:55 AM -----

From: Chrisno Ton/DC/USEPA/US

To: Amelia Piggott/R8/USEPA/US@EPA

Cc: Craig Kaufman/DC/USEPA/US@EPA, Bruce Kulpan/DC/USEPA/US@EPA, Benjamin Lammie/DC/USEPA/US@EPA, Karin Leff/DC/USEPA/US@EPA, Cori Shiffman/DC/USEPA/US@EPA

Date: 01/10/2012 05:08 PM

Subject: FYI on BP and Rico

Hi Amelia,

Ex. 5 Attorney Client (AC)



Atlantic Richfield Company Info Request.pdf

Thanks,

Chrisno Ton, Attorney-Adviser
U.S. Environmental Protection Agency
Office of Site Remediation Enforcement
Phone: (202) 564-4272 Fax: (202) 501-0269
E-mail: tan.chrisna@epa.gov

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 20 2010

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Jean Martin
Senior Attorney – Health, Safety & Environment
BP America, Inc. and its subsidiaries
501 Westlake Park Blvd.
Mailcode WL1, 16.184
Houston, TX 77079

**Re: REQUEST FOR INFORMATION PURSUANT TO SECTION 104 OF CERCLA
AND SECTION 3007 OF RCRA FOR ATLANTIC RICHFIELD COMPANY, BP
AMERICA, INC., AND ITS SUBSIDIARIES**

Dear Ms. Martin:

The purpose of this letter is to notify Atlantic Richfield Company ("Atlantic Richfield") that it needs to come into compliance with its financial assurance responsibilities under the following Orders and Consent Decrees:

Anaconda/Yerington Mine Site, Yerington, NV, CERCLA Docket Nos. 9-2005-0011, 9-2007-0005, & 9-2009-0010;
Butte Mine Flooding Site, Butte, MT, Civil Action No. 02-35-BU-SEH;
Leviathan Mine Site, Alpine County, CA, CERCLA Docket Nos. 2008-18 & 2008-29; and
Milltown Reservoir Sediments Site, Milltown, MT, Civil Action No. CV 89-039-BU-SEH.

Additionally, Atlantic Richfield and its corporate parent, BP America, Inc. ("BP America"), are requested to respond to the enclosed Information Request.

Under the terms of the above-referenced Orders and Consent Decrees, Atlantic Richfield is required to maintain adequate financial assurances for its cleanup obligations. As you are aware, the United States Environmental Protection Agency ("EPA") has determined that financial assurances provided on behalf of Atlantic Richfield at the above-named sites are inadequate due to the use of a corporate guarantee by BP Corporation North America that relied on the bond rating of an entity other than BP Corporation North America. The submission of inadequate financial assurance calls into question Atlantic Richfield's ability to pay for or to perform cleanup at the above-named sites. Accordingly, Atlantic Richfield should provide EPA

with alternate financial assurance in the appropriate amounts in the form of letters of credit that are in compliance with the terms of the specific Orders and Consent Decrees. Atlantic Richfield must provide the alternate financial assurances within thirty (30) calendar days of your receipt of this letter, with the exception of the alternate financial assurance required under the terms of the Leviathan Mine Order, CERCLA Docket No. 2008-29, for which you have sixty (60) days to submit. The failure to ensure that its sites or facilities have adequate financial assurance may subject Atlantic Richfield to enforcement action, including the assessment of statutory and/or stipulated penalties.

EPA also believes that the financial assurance provided at additional remedial sites may rely on the same form of financial assurance as the above-named sites, and therefore, that BP America and its subsidiaries may also be out of compliance with obligations established by additional orders, consent decrees, or permits entered into with EPA. Accordingly, Atlantic Richfield and BP America are requested to respond to the Information Request set forth in Enclosure A. Enclosures B and C contain lists of sites and facilities identified by EPA at which BP America, or one of its affiliates, are or may be out of compliance with its financial assurance obligations. EPA's authority to request this information is pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, & Liability Act, as amended ("CERCLA"), 42 U.S.C. § 9604(e), and Section 3007 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927. Specifically, Section 104(e)(2)(C) of CERCLA, 42 U.S.C. § 9604(e)(2)(C), provides EPA the authority to request information relating to the ability of a person to pay for or to perform a cleanup.

Compliance with this request for information is required by law. Failure to respond fully and truthfully to this Information Request within thirty (30) calendar days of your receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by EPA pursuant to Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), and/or Section 3008 of RCRA, 42 U.S.C. § 6928. EPA will consider incomplete, ambiguous, or evasive responses as a failure to respond to this request for information. False, fictitious, or fraudulent statements or representations may subject Atlantic Richfield and/or BP America to criminal penalties under 18 U.S.C. § 1001 or Section 3008(d) of RCRA, 42 U.S.C. § 6928(d). The information you provide may be used in EPA administrative, civil, or criminal proceedings.

Pursuant to 40 C.F.R. § 2.203, Atlantic Richfield and/or BP America may assert a claim of business confidentiality. If no such confidentiality claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice. If the response to the information requested contains confidential business information or trade secrets, please be advised that Atlantic Richfield and/or BP America must still provide it pursuant to 40 C.F.R. Part 2, Subpart B.

This Information Request is not intended to broaden, supplant, or modify any other interactions Atlantic Richfield and/or BP America may have with the Regions with respect to environmental obligations, and Atlantic Richfield should continue to interact with the Regions on all other site specific issues and obligations.

This Information Request is not subject to the approval requirements of the Paperwork

Reduction Act of 1980, as amended, 44 U.S.C. § 3501 *et seq.*

Please send your new, compliant financial assurance submissions to the Regional contacts identified in each of the above-referenced Orders or Consent Decrees. In addition, please send your responses to the Information Request and a copy of all materials submitted to the Regions to:

U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Attention: Chrisna Tan, Attorney-Advisor
Office 4232J Ariel Rios South (2272A)
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(For deliveries by courier, UPS, or Fed Ex, please use the Zip Code 20004)

Please also send an electronic copy (preferably in .pdf) to both tan.chrisna@epa.gov and threet.derek@epa.gov of all materials submitted.

Thank you for your prompt attention to this important matter. If you have questions relating to this Information Request, please contact EPA immediately in order to comply with the thirty (30) day response deadline. Should you have questions, please contact Chrisna Tan of my staff at tan.chrisna@epa.gov or at 202-564-4272. Thank you for your cooperation in this matter.

Sincerely,



Kenneth Patterson, Director
Office of Site Remediation Enforcement
Regional Support Division

Enclosures

CC: Robert A. Malone, President, Afiantic Richfield Company
Brian D. Smith, Chief Financial Officer, BP Corporation North America
Audrey Zucker, U.S. EPA Region 1
Thomas Lieber, U.S. EPA Region 2
Delmar Karien, U.S. EPA Region 2
Cecil Rodrigues, U.S. EPA Region 3
David Clay, U.S. EPA Region 4
Mary C. Johnson, U.S. EPA Region 4
Larry Kyte, U.S. EPA Region 5
Mark Peycke, U.S. EPA Region 6

Audrey Asher, U.S. EPA Region 7
Matthew Cohn, U.S. EPA Region 8
Daniela Golden, U.S. EPA Region 8
Henry Elsen, U.S. EPA Region 8
Dustin Minor, U.S. EPA Region 9
Cyndy Mackey, U.S. EPA Region 10
Bill Kirley, Montana Department of Environmental Quality

ENCLOSURE A
INFORMATION REQUEST

Instructions

1. Provide answers to the Questions below to EPA headquarters at the contact information detailed above.
2. If information or documents that are not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.
3. The information requested herein must be provided even though Atlantic Richfield and/or BP America may contend that it includes possibly confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), Section 3007(b) of RCRA, 42 U.S.C. § 6927(b), and 40 C.F.R. § 2.203(b), by attaching to such information, at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary," or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent, and only by means, of the procedures set forth in the statutes and regulations cited above. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above-cited statutes and regulations carefully before asserting a business confidentiality claim since certain categories of information are not properly the subject of such a claim.
4. The information provided to EPA must be accompanied by a certification from Atlantic Richfield and/or BP America, signed by a responsible corporate official, that the information being provided is accurate and complete.

ENCLOSURE A
INFORMATION REQUEST

Questions

1. Complete the chart of CERCLA sites set forth in Enclosure B.
2. Complete the chart of RCRA facilities set forth in Enclosure C.
3. Provide copies of all financial assurance submissions and all other proof or evidence of financial assurance, if applicable, for the last five (5) years for the CERCLA sites set forth in Enclosure B.
4. Provide copies of all financial assurance submissions and all other proof or evidence of financial assurance for corrective action, if applicable, for the last five (5) years for the RCRA facilities set forth in Enclosure C.

ENCLOSURE B
INFORMATION REQUEST
Additional CERCLA Sites

Region	Site	Enforcement Instrument(s) (CD, UAO, AOC)	Are There FA Requirements in the Enforcement Instrument?	What FA Mechanism is BP or its Sub Usina?	Who is the Provider of the Mechanism?	Estimated Cost of Completing Work	Value of Current FA Mechanism
1	McKin Co. MED980524078	1988 RD/RA CD with Amoco Oil Co; 1986 RD/RA UAO with Amoco Oil Co and BP Oil Inc					
1	Great Lakes Container Corp. RID063919096	2010 Removal AOC with BP Products North America					
1	Beacon Heights Landfill CTD072122062	1987 RD/RA CO with Atlantic Richfield Co; 1986 RO/RA UAO with Atlantic Richfield Co					
1	Lauren Park Landfill	RD/RA CD with BP America					
2	Price Landfill NJD070281175	1988 RD CD with Amoco Corporation					
2	Diamond Alkali Co. NJD980528996	2007 RI/FS AOC with Atlantic Richfield Co					
2	Gems Landfill NJD980529192	1997 RA CD with BP America; 1988 RA UAO with BP North America Petroleum					
2	Pollution Abatement Services NYD000511659	1998 CD with Amoco Oil Co; 9/30/1994 Removal AOC with Amoco Oil Corp and Atlantic Richfield Co; 7/26/1994 Removal AOC with Amoco Oil Corp and Atlantic Richfield Co; 1991 Removal AOC with Amoco Oil Corp and Atlantic Richfield Co; 1990 RI/FS AOC with Amoco Oil Corp and Atlantic Richfield Co					
2	Pfohl Brothers Landfill NYD980507495	2001 RA with BP America Inc					
3	Delaware Sand & Gravel Landfill DED000605972	1995 RD/RA CD with BP America and Amoco Chemical Corp; 1994 AOC with Amoco Chemical Corp and BP America; 1992 AOC with Amoco Chemical Corp.; 1991 UAO with Amoco Chemical Corp					
3	Spectron inc. MDD000218008	1995 RI/FA AOC with BP America; 1991 Removal AOC with Amoco Chemical and BP America					
3	Douglassville Disposal PAD002384865	1999 RD/RA CD with Atlantic Richfield Co. 1997 RD CD with Atlantic Richfield Co					
3	Malvern TCE PAD014353445	1999 RD AOC with BP Oil					
3	Novak Sanitary Landfill PAD079160842	1995 RI/FS AOC with BP America					
3	Blosenski Landfill PAD980539985	1995 RD/RA CO with Atlantic Richfield Co; 1993 RD/RA UAO with Atlantic Richfield Co; 1991 RA UAO with Atlantic Richfield Co					
3	Fike Chemical inc. WVD047989207	1997 RD/RA CD with Atlantic Richfield Co; 1995 Removal UAO with Atlantic Richfield Co					
4	City Industries, Inc. FLD055945653	1991 RA CD with Atlantic Richfield Co					
4	Wingate Road Municipal Incinerator Dump FLD981021470	1999 RD/RA CD with Amoco Oil Co					

ENCLOSURE B
INFORMATION REQUEST
Additional CERCLA Sites

Region	Site	Enforcement Instrument(s) (CO, UAO, AOC)	Are There FA Requirements in the Enforcement Instrument?	What FA Mechanism is BP or Its Sub Using?	Who Is the Provider of the Mechanism?	Estimated Cost of Completing Work	Value of Current FA Mechanism
4	Alternate Energy Resources GAD033582461	2006 RI/FS AOC with BP Products North America					
4	LCP Chemicals Georgia GAD099303182	1997 Removal AOC with Atlantic Richfield Co; 1994 Removal UAO with Atlantic Richfield Co					
5	AlSCO Anaconda OHD057243610	1993 RD/RA UAO with Atlantic Richfield Co; 1989 RD/RA UAO with Atlantic Richfield Co; 1987 RI/FS AOC with Atlantic Richfield Co					
5	Environchem Corp. IND084259951	1991 RD/RA CD with Atlantic Richfield					
5	Liquid Disposal Inc. MID067340711	1989 RD/RA CD with Standard Oil					
5	Northside Sanitary Landfill IND050530872	1991 RD/RA CD with Amoco					
5	Skinner Landfill OHD063963714	2001 RA CD with BP Amoco and BP Exploration & Oil Inc					
5	Tri-County Landfill/Waste Mgmt. ILD048306138	1999 RI/FS AOC with Standard Oil Co					
5	Wayne Waste Oil IND048989479	1992 RD/RA CD with Amoco Corp; 1987 RI/FS AOC with Amoco Oil Co					
6	South 8th Street Landfill ARD980496723	2000 RD/RA CO with Amoco Corp and Atlantic Richfield Co; 1998 RA UAO with Amoco Corp and Atlantic Richfield Co					
6	Pab Oil & Chemical Service LAD980749139	1996 RD/RA UAO with Amoco Corporation; 1995 RD/RA UAO with Amoco Corporation; 1991 Removal AOC with Amoco Corp					
6	Gulf Coast Vacuum Services LAD980750137	1995 RD/RA CD with Amoco Corporation; 1992 RD/RA UAO BP America					
6	Dutchtown Treatment Plant LAD980879449	1996 RD/RA UAO with BP Exploration; 1990 CD with BP Exploration					
6	Prewitt Abandoned Refinery NMO980622773	1993 RD/RA UAO with Atlantic Richfield Co					
6	Hardage/Griner OKD000400093	1990 RD/RA with Atlantic Richfield Co; 1989 RD/RA CD with Amoco Production Co; 1987 RI/FS CD with Atlantic Richfield Co					
6	Sand Springs Petrochemical Complex OKD980748446	1989 RD CD with Atlantic Richfield Co					
6	Gulf Nuclear TX0000605258	2003 Removal with Amoco					
6	BP Texas City Refinery TXN000606597	2007 Removal with BP Texas City					
6	Tex-Tin Corp. TXD062113329	2000 RD/RA CD with Amoco Corp; 2000 Removal UAO with BP Amoco Chemical Comp; 1990 RI/FS AOC with Amoco Corp					
6	Sheridan Disposal Services TXD062132147	1990 RD AOC with Atlantic Richfield Co; 1987 RI/FS AOC with Atlantic Richfield Co					

ENCLOSURE B
INFORMATION REQUEST
Additional CERCLA Sites

Region	Site	Enforcement Instrument(s) (CD, UAO, AOC)	Are There FA Requirements in the Enforcement Instrument?	What FA Mechanism is BP or Its Sub Using?	Who is the Provider of the Mechanism?	Estimated Cost of Completing Work	Value of Current FA Mechanism
6	Dixie Oil Processors TXD089793046	1991 RD/RA UAO with Atlantic Richfield Co; 1986 RI/FS AOC with Amoco Chemical Corp and Atlantic Richfield Co					
6	French, Ltd. TXD980514814	1990 RD/RA CD with Amoco Gas Co and Atlantic Richfield Co; 1987 FS AOC with Amoco Corp and Atlantic Richfield Co; 1985 RI AOC with Atlantic Richfield Co					
6	Motco, inc. TXD980629851	1993 RD/RA CD with Amoco Chemical Co, Amoco Gas Co, Amoco Oil Co, and Amoco Production Co; 1992 RA CD with Amoco Chemical Co, Amoco Chemicals Corp, and Amoco Production Co; 1990 RD UAO with Amoco Chemicals Corp; 1987 RD/RA CD with Amoco Chemicals Co, Amoco Gas Co, Amoco Oil Co, and Amoco Production Co; 1987 RI/FS AOC with Amoco Chemical Corp					
6	Bailey Waste Disposal TXD980864649	1937 RI/FS AOC with Atlantic Richfield Co; 1984 Removal UAO with Atlantic Richfield Co					
6	Petro-Chemical Systems Turtle Bayou TXD980873350	1998 CD with ARCO and Atlantic Richfield Co					
8	Eureka Mills UT0002240158	2005 RA CD with Atlantic Richfield Co; 2003 RA UAO with Atlantic Richfield Co					
8	Warm Springs Inactive MT	1993 RD/RA UAO with Atlantic Richfield Co					
8	Warm Springs Active MT	1998 RD/RA UAO with Atlantic Richfield Co					
8	Anaconda Flue Dust MT	1992 RD/RA CD with Atlantic Richfield Co					
8	Anaconda Community Soils MT	2002 RA UAO with Atlantic Richfield Co					
8	Anaconda Old Work/Eastside MT	1994 RD/RA UAO with Atlantic Richfield Co					
8	Anaconda Regional Water, Waste, Soils Anaconda Ponds RDU MT	2000 RA UAO with Atlantic Richfield Co					
8	Anaconda Regional Water, Waste, Soils Active Railroad Beds RDU MT	2000 RA UAO with Atlantic Richfield Co					
8	Anaconda Regional Water, Waste, Soils Triangle Waste Area MT	2002 RA UAO with Atlantic Richfield Co					
8	Anaconda Regional Water, Waste, Soils Cashman Concrete RDU MT	2003 RA UAO with Atlantic Richfield Co					

ENCLOSURE B
INFORMATION REQUEST
Additional CERCLA Sites

<u>Realon</u>	<u>Site</u>	<u>Enforcement Instrument(s) (CD, UAO, AOC)</u>	<u>Are There FA Requirements in the Enforcement Instrument?</u>	<u>What FA Mechanism is BP or Its Sub Using?</u>	<u>Who Is the Provider of the Mechanism?</u>	<u>Estimated Cost of Completing Work</u>	<u>Value of Current FA Mechanism</u>
8	Anaconda Regional Water, Waste, Soils Slag RDU MT	2003 RA UAO with Atlantic Richfield Co					
8	Anaconda Regional Water, Waste, Soils West Galen Expansion Area 2 MT	2007 RA UAO with Atlantic Richfield Co					
8	Anaconda Regional Water, Waste, Soils South Opportunity Uplands RDU MT	2007 RA UAO with Atlantic Richfield Co					
8	Anaconda Smelter Regional Water, Waste, and Soils Stucky Ridge RDU MT	2004 RA UAO with Atlantic Richfield Co					
8	Anaconda Smelter Regional Water, Waste, and Soils N. Opportunity Uplands RDU MT	2008 RA UAO with Atlantic Richfield Co					
8	Rocker Timber MT	2000 RD/RA CD with Atlantic Richfield Co					
8	Georgetown Railroad MTD986068930	2008 Removal AOC with Atlantic Richfield Co					
9	Hassayampa Landfill AZD980735666	1994 RD/RA CD with Atlantic Richfield Co					
9	McColl CAD980498695	1996 RD/RA UAO with Atlantic Richfield Co					
9	Casmalia Resources CAD020748125	2000 Removal AOC with Atlantic Richfield Co; 1997 RD/RA CD with Atlantic Richfield Co; 1996 RI/FS AOC with Atlantic Richfield Co					
9	Waste Disposal Inc. CAD980884357	2003 RA CD with Atlantic Richfield Co					
9	Cooper Drum Co. CAD055753370	2009 RA UAO with Atlantic Richfield Co					
9	Omega Chemical Corp. CAD042245001	2009 Removal AOC with Atlantic Richfield Co and BP Amoco Chemical Co; 2001 RD CD with BP America Inc					
10	Commencement Bay Near Shore/Tide Flats WAD980726368	2003 RA CD with Atlantic Richfield Co					

ENCLOSURE C
INFORMATION REQUEST
Additional RCRA Sites

<u>Region</u>	<u>Site</u>	<u>Enforcement Instrument (Permit or Order?)</u>	<u>Are There FA Requirements In the Enforcement Instrument?</u>	<u>What FA Mechanism is BP or Its Sub Using?</u>	<u>Who is the Provider of the Mechanism?</u>	<u>Estimated Cost of Completing Work</u>	<u>Value of Current FA Mechanism</u>
3	BP Products North America Richmond Terminal VAD00607879						
4	Atlantic Richfield Company KYR000029827						
5	BP Products North America America Inc. Whiting Refinery IND000810861						
5	BP Products North America IND074375585						
5	BP America Warrensville Facility OHD010835619						
6	BP Products North America America Inc. Texas City Refinery TXD008080533						
6	BP Products North America America Inc. Texas City Refinery TXD072181381						
8	BP Products North America Soda Lake WYD000712463						
8	BP Products North America WYD007064447						
9	BP West Coast Products Carson Refinery CAD077227049						
10	BP West Coast Products WAD069548154						